

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI

Philip R. McHugh,

Plaintiff,

Case No. 1:21-cv-00238

v.

Judge Michael R. Barrett

Fifth Third Bancorp., et al.,

Defendants.

**ORDER**

Pending before the Court is Defendants' Motion for Protective Order and/or to Limit Discovery under Rule 23(b)(2)(C) Precluding Additional Director Depositions. (Doc. 66). Plaintiff has responded in opposition (Doc. 69), and Defendants have replied (Doc. 70). Defendants' Motion will be denied.

The undersigned has made clear on several occasions that Plaintiff is entitled to depose any (and every) director of either Defendant Fifth Third Bancorp or Defendant Fifth Third Bank, National Association, who participated in the vote to name a successor to Defendant Gregory D. Carmichael as bank president. However, moving forward, these depositions **shall be limited to two (2) hours each**, unless extended by leave of Court. Further, these depositions **shall be limited to the issues in this cause** (that is, alleged age discrimination, to include retaliation, under federal and state law as well as wrongful termination under state law) **and matters that DIRECTLY affect the credibility of the deponent**.

**IT IS SO ORDERED.**

*/s/ Michael R. Barrett*  
JUDGE MICHAEL R. BARRETT